

3 means for activating at least one of thermoelectric modules  
4 for producing temperature conditioned air;

5 means for activating at least one fan and regulate the speed  
6 of the fan for passing the temperature conditioned air from the  
7 heat pump to the occupant seat;

8 means for sensing an operating temperature of the heat pump;  
9 and

10 means for reducing power to the thermoelectric module when the  
11 operating temperature of the heat pump is above a maximum  
12 temperature.--

1 57. The system as recited in claim 19 wherein the means for  
2 automatically operating the controller reduces the cooling  
3 functions of the system when the temperature of the temperature  
4 conditioned air is below a minimum cooling temperature and after a  
5 maximum amount of time has passed since the system was placed in a  
6 cooling mode of operation.--

#### REMARKS

Applicants have amended claims 1, 7, 15, 17, 19, 27, 33, 36 and 46, have canceled claims 2-6, 8-14, 20-24, 29-32 and 37-45, and have added new claims 50-57. Accordingly, the currently pending claims in this application are claims 1, 7, 15-19, 25-28, 33-36, and 46-57. Applicants submit that new claims 50-57 recite limitations that were previously included in canceled dependent claims and are well supported in the specification and, therefore do not introduce new matter.

Claims 1-49 have been rejected under 35 U.S.C. § 103 as being unpatentable over Feher '248 in view of Feher '802. Applicants have amended independent claims 1, 7, 19, 27 and 36, and have added

new claims 50-57 to further clarify and distinguish Applicants' claimed invention from that allegedly suggested, alone or in combination, by the cited Feher patents. Applicants' claimed system comprises, inter alia, a controller that operates to activate and automatically regulate the operation of both the thermoelectric module(s), for producing temperature conditioned air, and the fan(s), for distributing the temperature conditioned air through an occupant seat, to maximize the thermal comfort of a seated occupant. The system automatically regulates the operation of the thermoelectric module(s) by increasing or decreasing the amount of power directed to the same, and regulates the operation of the fan(s) by increasing or decreasing the rotational speed, depending on several different system parameters. Examples of such design parameters include whether the temperature of the conditioned air has reached a preset maximum temperature or a preset minimum temperature.

In addition to these claimed features, Applicants' claimed system for controlling the temperature climate includes means for automatically operating controller to regulate the system the heating and cooling functions of the system to optimize system response and minimize occupant discomfort. For example, claims 27, 36, 46, 47, 49, 51, 54 and 57 specifically recites Applicants' claim feature that the controller is automatically operated to reduce the cooling function of the system when: (1) the system is operated in a cooling mode; (2) the temperature of the temperature conditioned air is below a minimum temperature; and (3) a maximum period of time has passed since the system was placed in a cooling mode of operation. As discussed at length in the detailed description, the purpose of automatically operating the controller in this manner is to reduce adverse physiological conditions and

associated occupant discomfort, such as back stiffness, that are known to occur when the system is operated in a cooling mode of operation for too long of period. Applicants' claimed invention also includes the claim element of an occupant indicator switch that is electrically connected to the controller to activate the system upon detecting the presence of a seated occupant.

Feher '248 discloses a cooling and heating seat pad construction comprising a seat pad having an internal plenum for distributing heated or cooled air to a seated occupant. The heated or cooled air is produced by a thermoelectric module that is operated in either a heating or cooling mode by activating a power switch to either a heating or cooling position. Feher '248 neither discloses nor even remotely suggests the use of Applicant's temperature control system having controller that is automatically operated to activate and regulate power to the thermoelectric modules and/or automatically operated to activate fans and regulate fan speed.

Feher '802 discloses a blanket assembly having an adjustable apparatus for providing heated or cooled air thereto. The adjustable apparatus comprises one or more thermoelectric device(s) that is selectively operated in either a heating or cooling mode. The apparatus includes an on/off switch to control power to fans used to distribute heated or cooled air, and includes a selectively controllable D.C. power source to activate the thermoelectric device(s) in either a heating or cooling mode. The extent of such selective control over the operation of the thermoelectric device(s) is that a user can select a particular level of heating or cooling that they wish to enjoy within the blanket.

Feher '802 neither discloses nor suggests the use of Applicants' controller that is automatically operated to activate

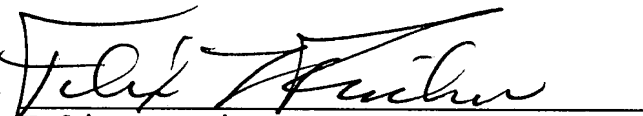
both the thermoelectric modules and fans, and regulate the power directed to the thermoelectric modules and speed of the fans to maximize occupant comfort. Further, because Feher '802 fails to disclose Applicants' controller, it is not surprising that it also fails to disclose Applicants' claim feature of automatically operating the controller in the cooling mode in the manner discussed above and recited Applicants' claims.

Because Feher '248 and Feher '802 do not independently disclose or suggest Applicants' above-discussed claim features, Applicants submit that these patents cannot be correctly combined and relied on by the Examiner to somehow suggest to one skilled in the art what is missing in each. Applicants, therefore, submit that their claimed invention is not rendered obvious to one of ordinary skill in the art by the combination of Feher '248 and Feher '802, and respectfully request that the rejection of claims 1-49 under 35 U.S.C. § 103 be reconsidered and withdrawn, that claims 1, 7, 15-19, 25-28, 33-36, and 46-49 be allowed, and that new claims 50-57 be examined and allowed.

Respectfully submitted,

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